

LFW



PATENT
Customer No. 22,852
Attorney Docket No. 09367.0063

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Vadim KUTSYI et al.)	Group Art Unit: 1631
)	
Serial No.: 10/621,821)	Examiner: Anna SKIBINSKY
)	
Filed: July 16, 2003)	
)	Confirmation No.: 1277
For: METHODS AND APPARATUS)	
FOR INVESTIGATING SIDE)	
EFFECTS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated November 22, 2005, the Examiner required restriction under 35 U.S.C. § 121 between Group I, Claims 1-14, drawn to a method, computer program product, or computing device for investigating and characterizing a treatment applied to various cells; and Group II, Claims 15-26, drawn to a method of characterizing a treatment applied to a population using imaging techniques.

Applicants provisionally elect to prosecute Group II, Claims 15-26, drawn to a method of characterizing a treatment applied to a population using imaging techniques.

M.P.E.P. § 803 states: "If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants submit that

the search and examination of Groups I and II would not require a serious burden.

Thus, Applicants request reconsideration and withdrawal of the restriction requirement.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2005

By: Wataule, Reg. No.
for Lauren L. Stevens 53,283
Reg. No. 36,691